

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ALAN ROSA,

Plaintiffs,

vs.

X CORP.; X HOLDINGS CORP.; ELON
MUSK; STEVE DAVIS; JOHN DOES 1-10
and ABC CORPS. 1-10,

Defendants.

Hon. Brian R. Martinotti
Case No. 2:23-cv-22908-BRM-AME

ORAL ARGUMENT REQUESTED

Motion Return Date:

**CERTIFICATION IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION TO COMPEL
ARBITRATION**

I, Debra M. McGarvey, of full age, hereby certify as follows:

1. I am an attorney at law duly licensed to practice in the State of New Jersey and am a Partner with Deutsch Atkins, & Kleinfeldt, P.C., attorneys for the Plaintiff Alan Rosa (hereinafter "Plaintiff") in the above-captioned matter. As such, I am fully familiar with the facts and circumstances set forth herein.

2. I make this certification in support of Plaintiff's Opposition to Defendants' Motion to Compel Arbitration, and for such other relief as is deemed just and proper.

3. I am attaching a copy of Plaintiff Alan Rosa's Certification in Support of Plaintiff's Opposition to the Motion to Dismiss of Defendants Elon Musk and Steve Davis and In Support of Cross-Motion To Transfer, with exhibits, was filed with Plaintiff's opposition to Defendants' Motion to Dismiss. Plaintiff hereby attaches his certification in support of Plaintiff's opposition to Defendants' Motion to Compel. Both motions were filed and returnable on the same dates.

4. I further certify to the accuracy of Exhibits H and I set forth in Plaintiff's Certification.

5. Attached as Exhibit H to Plaintiff's Certification is a true and correct copy of the June 6, 2023 emails between counsel for the parties and Ms. Sarah Nevins Arbitration Practice Manager for JAMS.

6. Attached as Exhibit I to Plaintiff's Certification is a true and correct copy of the email correspondence between counsel for the parties and JAMS case manager John Graber.

7. Attached as Exhibit M is a true and correct copy of the June 21, 2023 correspondence from Sheri Eisner, Senior Vice President, General Counsel for JAMS regarding Twitter, Inc.'s Request for Fee Sharing.

8. Attached as Exhibit N is a true and correct copy of the June 28, 2023 reply letter to Sheri Eisner, Senior Vice President, General Counsel for JAMS from Sari M. Alamuddin, Esq., of Morgan, Lewis, & Bockius, LLP, Counsel for Twitter.

9. Attached as Exhibit O is a true and correct copy of Plaintiff's April 14, 2023, Complaint filed in the United States District Court, for the District of New Jersey.

10. Attached as Exhibit P is *Lang v. PTC, Inc.*, No. CV2104451KMESK, 2021 WL 5277190, at *5 (D.N.J. Nov. 12, 2021).

11. Attached as Exhibit Q is *Page v. GPB Cars 12, LLC*, No. CV 19-11513, 2019 WL 5258164 (D.N.J. Oct. 17, 2019).

12. Attached as Exhibit R is *Passion for Restaurants, Inc. v. Villa Pizza, LLC*, No. CV2015790KSHCLW, 2022 WL 18024209 (D.N.J. Dec. 30, 2022).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

s/ Debra M. McGarvey, Esq.

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